

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
LIBE/APP28US

First named inventor: Luis Valente

Application No.: 09/330,274

Art Unit: 2134

Filed: 06-11-1999

Examiner: Callahan, Paul E.

Title: Hierarchical Open Security Information Delegation and Acquisition

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Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 Other than small entity - fee \$1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a response (identify type of reply):

- has been filed previously on 2/15/05.
 copy is enclosed herewith.

B. The issue fee of \$ _____

- has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

348331-1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or \$____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable E petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

5. REQUEST FOR REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT: This Petition is being filed because Applicant's repeated attempts to have the holding of abandonment withdrawn have been unsuccessful. Applicant respectfully requests that the Office reconsider Applicant's request for withdrawal of the holding of abandonment in view of the Applicant's Statement submitted herewith.

3/14/05

Signature

Date

Eamon J. Wall

39,414

Typed or printed name

Registration Number, if applicable

MOSER, PATTERSON & SHERIDAN, LLP

732-530-9404

Address

Telephone Number

595 Shrewsbury Ave., Suite 100, Shrewsbury, NJ 07702

Address

Enclosures: Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other :

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

52 Pages including
3/14/05 Statement &
Attachments

Signature

Date

LAURA E CRATER

Typed or printed name of person signing certificate

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PATENT
Atty. Dkt. No. LIBE/APP28US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT APPLICATION

MAR 14 2005

In re Application of: Luis Valente

Docket No.: LIBE0013 (APP28US)

Serial No. : 09/330,274

Art Unit: 2134

Filed: June 11, 1999

Examiner: Paul E. Callahan

Title: HIERARCHICAL OPEN SECURITY INFORMATION DELEGATION AND ACQUISITION

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO on the date indicated below.	
3/14/05	<i>Laura E. Crater</i> Laura E. Crater
Date	

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY IN SUPPORT OF PETITION
TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION AND
ALTERNATIVELY REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT**

This Statement is filed to support Applicant's 37 C.F.R. 1.137(b) Petition (PTO/SB/64 submitted herewith) to revive the above-referenced patent application. Applicant's attorneys have had many conversations with Examiner Paul Callahan about withdrawing the holding of abandonment, and have submitted many papers with a view to the Office withdrawing the holding of abandonment. Since the Applicant has been unsuccessful (in fact no papers filed by Applicant before and after the holding of

abandonment have been responded to by the Office), the Applicant is filing this Petition. **The Applicant respectfully requests that the Office alternatively consider vacating the holding of abandonment.**

Authorization to charge counsel's deposit account number 20-0782 in the amount of \$1,500.00 is included in Applicant's Petition.

In support of the Petition/request to withdraw the holding of abandonment, Applicant states:

A response to the Office Action mailed on July 15, 2003 to Applicant's former attorneys was filed by facsimile on August 15, 2003.

A Power of Attorney/Change of Correspondence Address in favor of Customer No. 26,291 was filed by facsimile on September 9, 2003.

In a conversation with Examiner Paul Callahan on September 15, 2003, the undersigned was advised that neither the response filed on August 15, 2003 nor the Power of Attorney/Change of Correspondence Address filed on September 9, 2003 had been received. True copies of both were re-filed by facsimile on September 15, 2003.

On December 18, 2003 Applicant's attorneys received Notice of Abandonment mailed December 16, 2003.

On February 13, 2004, Applicant's attorney John M. Kelly held two telephone conferences with Examiner Paul Callahan.

On March 11, 2004, Applicant's attorneys faxed a reminder regarding removal of the Notice of Abandonment to the Office.

On June 2, 2004, Applicant's attorneys faxed a second reminder regarding removal of the Notice of Abandonment to the Office.

Subsequent to further telephone conversations with Examiner Callahan, on December 21, 2004 and again on January 5, 2005, Applicant's attorneys faxed an informal submission of a proposed substitute response to the Action mailed December 20, 2002.

On February 10, 2005, as instructed by Examiner Callahan, Applicant's attorneys filed a Substitute Response (to the Office Action mailed on December 20, 2002) including Applicant's further request for withdrawal of the holding of abandonment of this application.

True copies of all filings/submissions mentioned above are attached together with a copy of John M. Kelly's February 13, 2004 e-mail to Eamon J. Wall reporting Mr. Kelly's telephone conversations with Examiner Callahan.

Accordingly, the entire delay in filing the required response to the Office Action mailed December 20, 2002 from the due date for the response to the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Respectfully submitted,



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